

Affidavit in Support of Motion for Substitute Service
United States District Court
Western District of Texas

Case Number: 5:24-CV-1393-JKP

Plaintiff: **WESLEY MCANALLY, ON BEHALF OF HIMSELF AND ALL OTHERS SIMILARLY SITUATED**

vs.

Defendant: **ELITE FIBER, LLC; JOHN MUSCHALEK AND LINDA MUSCHALEK, INDIVIDUALLY**

Received by Saddi A Frazier on the 12th day of December, 2024 at 1:15 pm to be served on **Elite Fiber, LLC by delivering to Registered Agent, John Muschalek, 29576 Copper Crossing, Bulverde, Comal County, TX 78163.**

I, Saddi A Frazier, being duly sworn, depose and say that on the **4th day of January, 2025 at 12:30 pm, I:**

deemed it impractical to personally deliver the **Summons in a Civil Action, Plaintiff's Original Complaint with Exhibit A, Civil Cover Sheet, Notice of Filing of Consents, Notice of Appearance of Josef F. Buenker, Standing Order In Civil Cases Assigned to Judge Jason Pulliam, Referral Order, and Notice of Electronic Filing** to the named defendant **Elite Fiber, LLC** in the above numbered and styled cause. Based on the information obtained in making my attempts, I believe **817 Paddy Rd, Floresville, Wilson County, TX 78114** is an address where the defendant **Elite Fiber, LLC** could most likely receive notice of this suit should alternate means of service be ordered.

Additional Information pertaining to this Service:

12/16/2024 6:30 pm Attempted service at 29576 Copper Crossing Bulverde TX, 78163 I knocked multiple time and rang the video door bell and got no response. The home was completely dark on the inside I could see inside the front window of the home into the living room and there were multiple moving boxes in the room and there were no pictures or decorations on the walls. I spoke with next door neighbors who were hanging Christmas decorations in their yard. The neighbors confirmed both John and Linda Muschalek lived in the home, but stated they have moved and not seen anyone come in or out of the home in over 30 days. The neighbor stated she spoke with Linda and John who stated they were moving but did not share where they were moving to. I left my contact information wedged in the front door and also left my card with the neighbors.

12/23/2024 1:59 pm Attempted service at 817 Paddy Rd, Floresville, TX 78114 I spoke with a family member who stated John and Linda Muschalek resided but currently weren't home. I left my contact information with the family member who stated John and Linda were her parents. The daughter stated she was visiting for the holidays, but she did not reside there. She said she was not comfortable accepting anything for them and said I would need to return at a later date to deliver to them personally.

12/27/2024 8:30 am Attempted service at 817 Paddy Rd, Floresville, TX 78114 There was no answer to the front door. There were multiple pieces of mail addressed to Linda Muschalek in the mail box. No vehicles present.

1/4/2025 12:30 pm Attempted service at 817 Paddy Rd, Floresville, TX 78114 As I entered the property I noticed there were multiple no trespassing signs posted on the two trees that are on the property next to the driveway. I could not access the front door. I honked my car horn multiple time and no one responded. There were no vehicles on the property.

EXHIBIT

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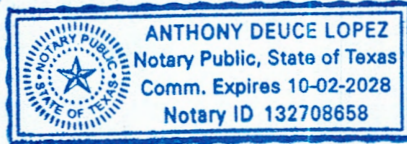
Affidavit in Support of Motion for Substitute Service For 5:24-CV-1393-JKP

I am a private process server authorized by the Texas Judicial Branch Certification Commission. I am over the age of eighteen (18) and not a party to nor interested in the outcome of the suit referenced above. I have personal knowledge of each of the matters stated herein and the statements made in this Affidavit are true and correct.

State of TEXAS, County of BEXAR

Subscribed and Sworn to before me on the 11TH
day of JANUARY, 2025 by the affiant
who is personally known to me.

NOTARY PUBLIC



Saddi A Frazier
PSC 12568 Ex. 3/31/2026

Lexitas
13101 Northwest Freeway
Suite 330
Houston, TX 77040
(713) 375-0121

Our Job Serial Number: WDL-2024002109
Ref: 23053778

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Western District of Texas

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Additional Information pertaining to this Service:

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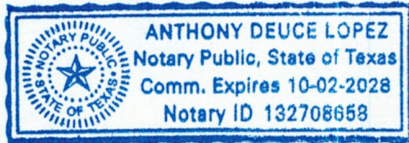
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State of TEXAS, County of Bexar

Subscribed and Sworn to before me on the 10TH
day of JANUARY, 2025 by the affiant
who is personally known to me.

NOTARY PUBLIC



Saddi A. Frazier
Saddi A. Frazier
PSC 12568 Ex. 3/31/2026

Lexitas
13101 Northwest Freeway
Suite 330
Houston, TX 77040
(713) 375-0121

Our Job Serial Number: WDL-2024002110
Ref: 23053836

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Western District of Texas

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**Defendant: ELITE FIBER, LLC; JOHN MUSCHALEK AND LINDA
MUSCHALEK, INDIVIDUALLY**

Received by Saddi A Frazier on the 12th day of December, 2024 at 1:15 pm to be served on **Linda Muschalek, 29576 Copper Crossing, Bulverde, Comal County, TX 78163**

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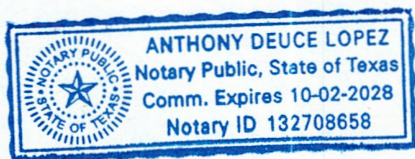
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NOTARY PUBLIC



Saddi A Frazier
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Our Job Serial Number: WDL-2024002111
Ref: 23053851